

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

6 GENE ALLEN, )  
7 Petitioner, ) 2:11-cv-00180-PMP-LRL  
8 vs. ) ORDER  
9 WARDEN LaGRAND, *et al.*, )  
10 Respondents. ) /

12 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C.  
13 § 2254, by a Nevada state prisoner. Neither a filing fee nor an application to proceed *in forma*  
14 *pauperis* was submitted with the petition. When filing a petition for a writ of habeas corpus,  
15 petitioner must either submit the \$5.00 filing fee for habeas petitions or an application to proceed *in*  
16 *forma pauperis*.

17           **IT THEREFORE IS ORDERED** that this action is **DISMISSED** without prejudice  
18 to the filing of a new petition in a **new action**. The Clerk of the Court shall enter judgment  
19 accordingly.

20           **IT FURTHER IS ORDERED** that the Clerk of the Court shall send petitioner two  
21 copies of an *in forma pauperis* application form for a prisoner, one copy of the instructions for same,  
22 two copies of a blank 28 U.S.C. § 2254 habeas petition form, and one copy of instructions for the  
23 same.

24 || DATED: February 9, 2011.

  
Philip M. Pro  
United States District Judge